

Sevan A. Muradian
5119 North Kenneth Avenue
Chicago, IL 60630
847.274.1352 (phone)
847.919.0450 (fax)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

| | |
|---|--|
| <p>UNITED STATES OF AMERICA CHESS FEDERATION, an Illinois non-for profit corporation, RANDALL D. HOUGH, an individual,</p> <p>Plaintiffs,</p> <p>vs.</p> <p>SUSAN POLGAR, an individual, GREGORY ALEXANDER, an individual, and DOES 1-10, inclusive,</p> <p>Defendants.</p> | <p>CASE NO. 3:08-cv-05126-MHP</p> <p>Motion to Quash for non-party individual. Hearing Date: August 10, 2009 Time: 2:00 pm Courtroom: 15, 18th Floor Judge: Judge Marilyn Patel</p> <p>Date: June 29, 2009.</p> |
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MOTION TO QUASH FOR NON-PARTY INDIVIDUAL

TO THE HONORABLE MARILYN H. PATEL:

COMES NOW, Sevan A. Muradian, a non-party to the above mentioned legal
proceedings, files this *Motion to Quash*, and moves the Court as follows:

Motion to Quash for non-party individual.
Case No. 3:08-cv-05126-MHP

FACTUAL BACKGROUND

1. My name is Sevan A. Muradian (MURADIAN) and I reside at 5119 North Kenneth Avenue Chicago, IL 60630.
2. I am a member of the United States Chess Federation (USCF).
3. I am a duly elected member of the Board of Delegates representing the interests of chess players in the State of Illinois.
4. I am an organizer of chess events in the Chicago, IL area.
5. I am a non-party in the above mentioned case.
6. Mr. Karl Kronenberger (KRONENBERGER) issued a subpoena (EXHIBIT A) on 04/23/2009 which was served on 04/30/2009 to MURADIAN.
7. KRONENBERGER and MURADIAN discussed various aspects of the subpoena in which KRONENBERGER extended the response date until 06/30/2009 (EXHIBIT B)
8. Via email, MURADIAN raised the concern to KRONENBERGER that the scope of the subpoena was too broad and KRONENBERGER refused to narrow the scope of the subpoena (EXHIBIT C) to address only areas pertaining to pending litigation.

ARGUMENT

KRONENBERGER seeks to have MURADIAN divulge any and all communications between Susan Polgar (POLGAR) and Paul Truong (TRUONG) that relates to any of the following: the USCF, the Executive Director (ED), the Executive Board (EB), and the Board of Delegates (BOD).

Any discussions of chess events, local / national / international, would be inclusive to the USCF as they are the governing body of chess in the United States. These discussions would include information on bids being made or events being planned for the future which would then be made available to other parties, who have no need to know, due to standard legal proceedings and due to KRONENBERGER also being a defendant in the State of Texas for litigation with POLGAR. Many parties that KRONENBERGER is co-defendants with have no need to know of current or future events being planned by MURADIAN that have been discussed with POLGAR and/or TRUONG.

Additionally stating 'any communications' in reference to the ED, the EB, and the BOD infers that any discussions pertaining to any matters, related to litigation or not, which may or may not express personal opinions and other personal matters, would be made available to parties with no need to know, and potentially made public.

Motion to Quash for non-party individual.
Case No. 3:08-cv-05126-MHP

PRAYER

Non-party individual MURADIAN, requests the subpoena issued by KRONENBERGER (EXHIBIT A) in this case, be quashed.

Respectively submitted,

A handwritten signature in black ink, appearing to read 'Sevan A. Muradian', written in a cursive style.

Sevan A. Muradian
5119 North Kenneth Avenue
Chicago, IL 60630
847.274.1352 (mobile)
847.919.0450 (fax)

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of June 2009, I sent this information to attorneys of record for both Plaintiff and Defendant utilizing Federal Express Overnight service for delivery on the 30th day of June 2009.



Sevan A. Muradian

Karl Kronenberger
150 Post Street
Suite 520
San Francisco, CA 94108
Attorney for the US Chess Federation and Randall D. Hough
FedEx Tracking #8681 4546 3930

Whitney Leigh
Two Shaw Alley
San Francisco, CA 91105
Attorney for Susan Polgar
FedEx Tracking #8681 4546 3929

4-30-09

THAMES, INC. v. MHP SUBPOENA IN CIVIL CASE

Issued by the
UNITED STATES DISTRICT COURT
Northern District of Illinois

United States of America Chess Federation, Inc. et al

SUBPOENA IN A CIVIL CASE

v.

Susan Peigan, an individual, et al

Case Number: 3:08-CV-05126-MHP N.D. of CA

TO: Sevan A. Muradian
5119 North Kenneth Avenue
Chicago Illinois 60630

- ☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

| | |
|--------------------|---------------|
| PLACE OF TESTIMONY | COURTROOM |
| | DATE AND TIME |

- ☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

| | |
|---------------------|---------------|
| PLACE OF DEPOSITION | DATE AND TIME |
|---------------------|---------------|

- ☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

See Attachment A.

| | |
|--|-------------------------------------|
| PLACE Kronenberger Burgoyne, LLP 150 Post Street, Suite 520 San Francisco, CA 94108 | DATE AND TIME 5/14/2009 10:00 am |
|--|-------------------------------------|

- ☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

| | |
|----------|---------------|
| PREMISES | DATE AND TIME |
|----------|---------------|

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rule of Civil Procedure 30(b)(6).

| | |
|--|-------------------|
| DESIGNATED PERSON'S SIGNATURE AND TITLE (SIGNATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT) | DATE 4/23/2009 |
|--|-------------------|

DESIGNATED PERSON'S NAME, ADDRESS AND PHONE NUMBER

Karl S. Kronenberger
KRONENBERGER BURGOYNE, LLP 150 Post Street, Suite 520 San Francisco, CA 94108 (415) 955-1155

U.S. District Court Civil Procedure 15, 21, 22, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

* Location is printing in a format other than format of distance, state district under case number

ATTACHMENT A

Definitions

1. The terms "YOU," "YOUR," and "MURADIAN" as used herein includes Sevan A. Muradian and ANY PERSON acting on YOUR behalf.
2. The term "POLGAR" as used herein includes Defendant Susan Polgar and ANY PERSON acting on her behalf.
3. The term "TRUONG" as used herein includes Paul Truong and ANY PERSON acting on his behalf.
4. "ANY" AND "ALL" shall both be interpreted in the most inclusive light, AND shall include "ANY AND ALL."
5. "DOCUMENT" and "DOCUMENTS" shall have the meaning ascribed to it by Fed. R. Civ. Proc. R. 34 and to "writings" and "recordings" by Fed. R. Evid. 1001, and include without limitation the original and each non-identical copy of any written, printed, typed, recorded, computerized, taped, graphic or other matter, in whatever form, whether in final or draft. Thus, DOCUMENT includes but is not limited to electronic mail, file folders, file jackets and metadata, as well as each original and each copy, stored electronically or in any other format, information, all drafts, and all non-identical copies bearing notations or marks not found in the original or other copies and includes, without limitation, all notes, memoranda, studies, reports, analyses, business plans, forecasts, estimates, appraisals, test data, notebooks, working papers, letters, correspondence, contracts, agreements, licenses, charts, graphs, indices, discs, Internet web server files, databases, data compilations, data sheets, data processing cards or programs, microfilm, microfiche, forms, diaries, time calendars (including appointment calendars, day calendars, day timers), appointment books, logs, bank records (including monthly or other periodic statements, checks, deposit slips, wire transfer documentation), financial records (including books of account, ledgers, journals, invoices, bills, balance sheets, profit and loss and income statements audited and unaudited financial statements), card files, pamphlets, periodicals, schedules, telegrams, telexes, minutes of meetings, manuals, brochures, promotional materials, bulletins, circulars, specifications, instructions, notices, comparisons and surveys.
6. "COMMUNICATION" or "COMMUNICATIONS" includes every manner and means of disclosure, transfer, or exchange, and every discussion, conversation, or disclosure, transfer, or exchange of information, whether orally or by DOCUMENT. COMMUNICATION may be embodied in ANY means or media

INCLUDING writing, computer readable files, electronic mail, voicemail, digital recording, sound recording, or video recording.

Requests for Production

1. ALL COMMUNICATIONS between YOU and POLGAR after November 1, 2007 regarding the United States Chess Federation, Inc., including its Executive Director, Executive Board members and Board of Delegates.
2. ALL COMMUNICATIONS between YOU and TRUONG after November 1, 2007 regarding the United States Chess Federation, Inc., including its Executive Director, Executive Board members and Board of Delegates.



KRONENBERGER | BURGOYNE

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May 12, 2009

EXHIBIT B

Sevan A. Muradian
5119 North Kenneth Avenue
Chicago, Illinois 60630

VIA FACSIMILE (847) 919-0450

RE: *United States of America Chess Federation, Inc. et al. v. Polgar et al.*,
No. 3:08-cv-05126-MHP; EXTENSION TO RESPOND TO SUBPOENA

Dear Mr. Muradian:

I'm writing to follow up on our phone call earlier today regarding your deadline to respond the subpoena in a civil case that the plaintiff in the above referenced case served on you on April 30, 2009. We agree to extend your deadline to respond from May 15, 2009 to June 30, 2009.

If you have questions, you may reach me at 415-955-1155, ext. 114, or at Karl@KBInternetLaw.com.

Sincerely,

KRONENBERGER BURGOYNE, LLP

Karl S. Kronenberger

RE: Subpoena for Civil Case 3:09-CV-05125-MHP N.D. of CA

From: **Karl Kronenberger** (Karl@KBInternetLaw.com)
Sent: Mon 6/29/09 12:11 AM
To: Sevan Muradian (sevanmuradian@hotmail.com)
Cc:
bhall@uschess.org

We cannot narrow the subpoena any further. I must warn you that non-compliance with the subpoena will have its consequences. Please act accordingly.

Sincerely,

Karl Kronenberger

From: Sevan Muradian [mailto:sevanmuradian@hotmail.com]
Sent: Tuesday, June 23, 2009 11:08 AM
To: Karl Kronenberger
Cc: bhall@uschess.org
Subject: RE: Subpoena for Civil Case 3:09-CV-05125-MHP N.D. of CA
Importance: High

Mr. Kronenberger:

You will have to narrow the scope by content of what you are searching for. Any and all information is too broad in relation with the USCF, the ED, the EB, and the Board of Delegates and has the potential to result in content not related to pending litigation. Also the time frame you are talking about of being narrowed I do not understand. The current time frame outlined is 22 months (11/01/07 thru 6/30/09) so I'm not sure what you mean by 'narrowed by date'.

Thank you,

Sevan A. Muradian

Subject: RE: Subpoena for Civil Case 3:09-CV-05125-MHP N.D. of CA
Date: Tue, 23 Jun 2009 10:51:48 -0700
From: Karl@KBInternetLaw.com
To: sevanmuradian@hotmail.com
CC: bhall@uschess.org

Mr. Muradian:

You can produce by email or FedEx to my office.

Regarding the scope of the documentation, we have already narrowed the scope of the documents by date. Because this is electronic information, there will be no significant burden on you to produce these documents.

Sincerely,

Karl Kronenberger

From: Sevan Muradian [mailto:sevanmuradian@hotmail.com]
Sent: Tuesday, June 23, 2009 10:40 AM
To: Karl Kronenberger
Cc: bhall@uschess.org
Subject: FW: Subpoena for Civil Case 3:09-CV-05125-MHP N.D. of CA
Importance: High

Mr. Kronenberger:

I did not receive a reply from you on this message so I am resending it and copying Bill Hall.

Thank you,

Sevan A. Muradian

From: sevanmuradian@hotmail.com
To: karl@kbinternetlaw.com
Subject: Re: Subpoena for Civil Case 3:09-CV-05125-MHP N.D. of CA
Date: Wed, 17 Jun 2009 17:53:31 +0000

Mr. Kronenberger:

I hope this message finds you well.

In reviewing the extension letter that you provided I see there are two areas which we discussed over the phone that are not addressed in the letter:

1. Location for inspection of requested documentation - the subpoena states that I must appear in CA to provide this documentation. You had stated that this was not the case so an amendment in writing is required.
2. Scope of documentation sought - this scope you have stated in the subpoena (all communications between I and Polgar/Truong after 11/1/07 regarding the USCF, the EB, the ED, and the Board of Delegates) is too broad. Any discussions I would have had with them regarding chess tournaments, etc or anything else not pertaining to the litigation in CA would fall under that scope. As such please provide a narrowed scope of exactly what you are requesting me to provide.

As this is the end of the quarter for my normal job along with the beginning of a new academic quarter, please maintain all communications to me via email.

Thank you,

Sevan A. Muradian

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Lauren found her dream laptop. [Find the PC that's right for you.](#)

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